

EXECUTIVE NOTE TO
THE GREEN DEAL (ACKNOWLEDGMENT) (SCOTLAND) REGULATIONS 2012

SSI 2012/214

This instrument is being made under sections 14(7), 14(8), 15(4) and 40(1) of the Energy Act 2011 (c.16). It prescribes the form of acknowledgment to be obtained when a property with a Green Deal changes hands.

Policy objectives

The Green Deal is established by the Energy Act 2011. It extends across Great Britain but not to Northern Ireland. The aim of the Green Deal is to improve the energy efficiency of buildings (both residential and non-residential).

Under the Green Deal, finance will be made available to enable buildings to be altered to improve their energy efficiency. This finance can be repaid over a number of years. The repayments are attached to the electricity bill for the property. They are attached to the electricity bill as just about all properties have such a bill.

When a property with a Green Deal changes hands, information must be disclosed about the Green Deal to the person taking the property on. In addition, the person taking the property on and paying the electricity bill must acknowledge that he or she will have to meet the requirements of the Green Deal. The Green Deal (Acknowledgment) (Scotland) Regulations 2012 (“the Acknowledgment Regulations”) lay down the forms of acknowledgment.

The Acknowledgment Regulations make reference to the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 (“the Framework Regulations”). The Framework Regulations have been laid in draft before the UK Parliament¹ and are subject to affirmative resolution procedures there. In some cases, the need for an acknowledgment is laid down by the framework regulations.

While the Framework Regulations are in draft prior to approval and making by the Secretary of State, this instrument takes the approach of referring directly to specific provisions of those draft Regulations. In the event of changes to the Framework Regulations, this instrument will be amended as necessary. This is possible as both the Framework Regulations and this instrument will come into force on the same date. It is considered that this drafting approach is more helpful for the reader.

¹ The draft Framework Regulations can be found here:
<http://www.legislation.gov.uk/ukdsi/2012/9780111525227>

Consultation

The UK Government carried out a consultation on the Green Deal at the end of 2011 and the beginning of 2012. This consultation can be found at http://www.decc.gov.uk/en/content/cms/consultations/green_deal/green_deal.aspx

The consultation included a draft of the Scottish Acknowledgment Regulations:

<http://www.decc.gov.uk/media/viewfile.ashx?filetype=4&filepath=11/consultation/green-deal/3528-green-deal-form-acknowledgment-scot-si.pdf&minwidth=true>

Business and Regulatory Impact Assessment, Equality Impact Assessment and Strategic Environmental Assessment

The UK Government has carried out an Impact Assessment on the Green Deal: <http://www.decc.gov.uk/media/viewfile.ashx?filetype=4&filepath=11/consultation/green-deal/5533-final-stage-impact-assessment-for-the-green-deal-a.pdf&minwidth=true>

This includes assessments of the impact of the Green Deal on business, equality and on the environment.

Scottish Government
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